

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

WISMETTAC ASIAN FOODS, INC.
Employer

and

Case 21-RC-204759

FOOD, INDUSTRIAL & BEVERAGE
WAREHOUSE, DRIVERS AND CLERICAL
EMPLOYEES UNION LOCAL 630,
INTERNATIONAL BROTHERHOOD OF
TEAMSTERS
Petitioner

ORDER

The Employer's request for review of the Regional Director's decision to schedule the election for February 6, 2018 is denied as it raises no substantial issues warranting review.¹ We also find that the Employer has not made a "clear showing" that extraordinary relief is "necessary under the particular circumstances of the case," as required by Section 102.67(j)(2) of the Board's Rules and Regulations.²

MARVIN E. KAPLAN,	CHAIRMAN
MARK GASTON PEARCE,	MEMBER
LAUREN MCFERRAN,	MEMBER

Dated, Washington, D.C., February 6, 2018.

¹ For institutional reasons, Chairman Kaplan agrees with his colleagues to apply extant law and deny the Employer's request for review. He writes separately, however, because, in his view, this case highlights significant issues with the Board's election rule and the law pertaining to blocking charges that potentially frustrate the rights of employees.

² The Employer's request for reviews seeks review of the Regional Director's scheduling of the election for February 6 and his subsequent denial of the Employer's motion to reschedule, and requests that the Board either stay the election, reschedule the election, or, alternatively, impound the ballots. Thus, the Employer is also seeking extraordinary relief pursuant to Sec. 102.67(j) of the Board's Rules and Regulations.